

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

RHONDA BURNETT, JEROD BREIT,
JEREMY KEEL, HOLLEE ELLIS, and
FRANCES HARVEY, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

THE NATIONAL ASSOCIATION OF
REALTORS, REALOGY HOLDINGS CORP.,
HOMESERVICES OF AMERICA, INC., BHH
AFFILIATES, LLC, RE/MAX LLC, and
KELLER WILLIAMS REALTY, INC.,

Defendants.

Case No. 4:19-cv-00332-SRB

CLASS ACTION

**JOINT MOTION FOR VACATUR OF CLERK'S JUDGMENT AND ENTRY OF
BRIEFING SCHEDULE FOR POST-TRIAL MOTIONS**

Plaintiffs Rhonda Burnett, Jerod Breit, Jeremy Keel, Hollee Ellis, and Frances Harvey (Plaintiffs), and Defendants The National Association of Realtors, HomeServices of America, Inc., BHH Affiliates, LLC, HSF Affiliates, LLC, and Keller Williams Realty, Inc. (Defendants) jointly move the Court:

- (1) To vacate the "Clerk's Judgment" (ECF No. 1296) to allow Plaintiffs to seek entry of judgment and to allow Defendants to object and comment on Plaintiffs' proposed form of judgment using the procedures set forth in Local Rule 58.2 and Federal Rule of Civil Procedure 58;

- (2) To enter a briefing schedule for all post-trial motions, with any motions to be filed by Defendants on January 8, 2024; any oppositions to Defendants' motions due on February 26, 2024; and any replies to Plaintiffs' oppositions due on March 18, 2024;
- (3) To stay execution of any judgment until 30 days after resolution of all post-trial motions; and
- (4) To order that vacatur of Docket Entry No. 1296 does not preclude post-judgment interest from beginning to accrue on November 1, 2023, with the Parties reserving all rights and arguments as to the date on which prejudgment interest begins to run.

The Parties have agreed that Docket Entry No. 1296 should be vacated. Doing so will eliminate any uncertainty regarding the deadlines for post-trial motions and appeals.

The Parties have also agreed that, following submission of this joint motion, Plaintiffs will move for entry of judgment under Federal Rule of Civil Procedure 58 and using the process described in Local Rule 58.2, after which the Court can resolve any remaining differences between the Parties.

The Parties have further agreed to a briefing schedule that will afford the Parties and the Court adequate time to address the complex issues in this case based on the voluminous trial record. The Parties' agreement to stay execution of any judgment until 30 days after resolution of all post-trial motions also eliminates any confusion and provides additional time for the Parties to discuss the terms of a possible supersedeas bond.

As part of this agreement, Defendants have agreed that they will not argue that vacatur of Docket Entry No. 1296 is a reason for precluding post-judgment interest from beginning to accrue on November 1, 2023. Defendants reserve their rights to argue that post-judgment interest should

not accrue from that date for any other reason. Defendants also reserve their rights to seek a further stay of execution of the Court's judgment.

For these reasons, the Parties request that this Motion be granted and the Court vacate Docket Entry No. 1296, enter the proposed briefing schedule for post-trial motions, and stay execution of any judgment until 30 days after resolution of all post-trial motions.

Dated: November 14, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 14, 2023, an electronic copy of the foregoing was filed with the Clerk of the Court by using the CM/ECF system and service upon all counsel of record will be accomplished by the CM/ECF system.

/s/ Robert D. MacGill

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